

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Cellular Service and Other
Commercial Mobile Radio Services
In the Gulf of Mexico

Amendment of Part 22 of the
Commission's Rules to Provide for
Filing and Processing of Applications
For Unserved Areas in the Cellular
Service and to Modify Other
Cellular Rules

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WT Docket No. 97-112
CC Docket No. 90-6

SUPPLEMENTAL COMMENTS OF
SBC WIRELESS INC.

As noted in its initial Comments and Reply comments, SBC Wireless appreciates the Commission's attempt to resolve the controversies and problems regarding the provision of cellular service in the Gulf and its coastal regions. SBC Wireless Inc., through various subsidiaries and affiliates operates multiple land-based cellular markets bordering the Gulf Coasts of Texas and Louisiana.¹ SBC Wireless, like other coastal carriers, has struggled with the difficulties associated with attempting to engineer a cellular system that provides reliable service on the coast, especially the heavily trafficked beach and recreation areas, and the inherent problem of land-based customers calls being captured by the Gulf carriers. The difficulties associated with the engineering of systems under the existing rules and customer service problems are set out in SBC

¹ SBC Wireless Inc. through Southwestern Bell Wireless Inc., its wholly owned subsidiary, operates RSAs/MSAs bordering the Gulf Coast of Texas, including Corpus Christi, Brownsville-Harlingen, Texas RSA 19 and Texas RSA 20. SBC Wireless Inc.'s affiliate Radiofone operates systems on the Gulf Coast of Louisiana.

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Wireless' initial Comments and the affidavits attached thereto.² SBC Wireless provides these additional supplemental comments in addition to its previously filed Comments, Reply Comments and ex parte presentations to reiterate that in regards to the coastal region, legitimate customer expectations need to be kept in mind.³

A. A Re-examination of the Gulf Licensing Policies Must Take into Account the Public Interest and Most Importantly the Public's Expectations.

As the Commission notes a re-examination of the Gulf cellular licensing policies is warranted due to conflicts over which carriers should provide service to coastal areas and the Petrocom remand.⁴ The Commission notes three goals in re-examining the licensing policies:

1. to establish a comprehensive regulatory scheme that will reduce conflict between water-based and land-based carriers
2. to provide regulatory flexibility to Gulf carriers because of the transitory nature of water-based sites, and
3. to award licenses to serve well traveled coastal areas to those carriers that value the spectrum most highly and will maximize its use to provide the best quality of service to the public.⁵

SBC Wireless uses this opportunity to reiterate that the third goal, the public interest, needs to be a prevalent factor in the Commissions deliberations regarding the coastal areas. The key to determining the "best quality of service to the public" is an examination of what the public's expectations are and whether those expectations are being met. Unfortunately, existing Gulf policies are not conducive to meeting the public's expectations. Calls placed by land-based cellular carrier customers on land have

² Comments of Southwestern Bell Mobile Systems, Inc., WT Docket No. 97-112; CC Docket 90-6 filed June 2, 1997 and affidavits attached thereto.

³ Id., Reply Comments of Southwestern Bell Mobile Systems, Inc., WT Docket No. 97-112, CC Docket No. 90-6 filed August 4, 1997; November 18, 1997 Ex Parte Filing.

⁴ In the Matter of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, Second Further Notice of Proposed Rulemaking, WT 97-112, para. 2 (Released April 16, 1997).

⁵ Id.

set up on the Gulf carriers system resulting in high roaming charges.⁶ Land based cellular coverage along coastal areas has suffered due to the inherent difficulties in trying to engineer reliable systems while being handicapped by a shoreline border and the freeze on de minimus agreements. Such difficulties are heightened with the introduction of digital service in the coastal areas.⁷

The rules adopted for the coastal area need to reflect legitimate consumer expectations. A consumer purchasing cellular service from a land based carrier in a coastal region expects coverage at the local beach or Gulf-view restaurant from the chosen land line carrier. The consumer does not expect the call to be set up on a Gulf carrier thus incurring roaming charges or for there to be no coverage.

The expectations are heightened if the consumer is attempting to call 911 from his favorite beach, wildlife area or restaurant. Consumers have a legitimate expectation that the same 911 service will be available on the beach or pier as was available when driving or walking to the beach or pier. As part of the re-examination of the Gulf licensing policies Petrocom has requested an examination of the applicability Commission's E911 obligations to the Gulf based carriers.⁸ Regardless of the Commission's position on how the Gulf carriers should be required to meet their E911 obligations, the Commission needs to consider the public's expectation of 911 service in any coastal zone that is established.

The Commission's proposed creation of a coastal zone, while inviting because of the recognition of the importance of consumer expectations, is concerning in that any

⁶ See, SBC Comments pp. 3-4,7-9 & affidavit of Hugo Hernandez attached thereto.

⁷ See, SBC Comments pp. 6-7 & affidavit of Hugo Hernandez

⁸Comments of Petroleum Communications, Inc., WT Docket No. 97-112, CC Docket 90-6, pp. 21-22 (filed July 2, 1997).

current unserved areas would be subject to the Phase II Unserved Area rules and thus subject to auction if there are competing applications. As SBC Wireless noted in its initial comments, the Commission should not forego Phase I as incumbents should be given the opportunity for optimal use of the unserved area.⁹ Further, the introduction of a possible third entity via auction only adds to the confusion. The possibility of a third provider being placed between the existing land-based cellular carriers and the existing Gulf coast carrier seemingly will only exacerbate service problems and add to customer confusion.

Thus, SBC Wireless urges the Commission to keep in mind the legitimate expectations of the public in reexamining the Gulf licensing policies, especially in the coastal region. The rules and policies need to strike a balance between the Gulf carriers, the land based coastal carriers and, most importantly, the consuming public.

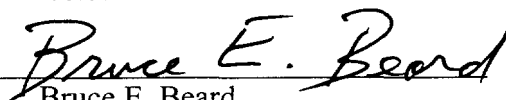
Conclusion

For the reasons stated herein and in the previous filings in this docket, SBC Wireless urges the Commission to adopt rules which protect the legitimate expectations of the public in the coastal regions.

Respectfully submitted

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By



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⁹ SBC Comments, p. 9.

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Certificate of Service

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